

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO**

IN RE: TERMINATION OF LEGACY
ANTITRUST JUDGMENT IN THE
DISTRICT OF COLORADO

No.

FILED
UNITED STATES DISTRICT COURT
DENVER, COLORADO

OCT - 8 2019

JEFFREY P. COLWELL
CLERK

UNITED STATES OF AMERICA,
Plaintiff,

v.

BAND-IT COMPANY, *et al.*,
Defendants.

Civil No. 7796

**UNOPPOSED¹ MOTION OF THE UNITED STATES TO
TERMINATE LEGACY ANTITRUST JUDGMENT**

The United States moves to terminate the judgment in the above-captioned antitrust cases pursuant to Rule 60(b) of the Federal Rules of Civil Procedure.² As explained in the accompanying Memorandum of Law in Support of the Motion of the United States to Terminate Legacy Antitrust Judgment, the United States has concluded that because of its age and changed circumstances since its entry, this decades-old judgment no longer serves to protect competition.

¹ Given the extensive notice provided to the public, as described in Section I of the accompanying Memorandum of Law, the lack of public opposition, the age of the judgment, and the relief sought, the United States does not believe that additional service of this motion is necessary. Accordingly, the United States believes it has fulfilled its duty to confer under D.C. Colo. LCivR 7.1(a).

² In separate filings, the United States also seeks to terminate the following nine legacy antitrust judgments: *The Colorado and Wyoming Lumber Dealers' Ass'n*, In Equity No. 5749 (1917), *U.S. v. The Cement Securities Company*, In Equity No. 7295 (1924), *U.S. v. Retail Lumbermen's Ass'n*, Civil No. 378 (1941), *U.S. v. W.C. Bell Services, Inc.*, Civil No. 380 (1941), *U.S. v. Nat'l Retail Lumber Dealers Ass'n*, Civil No. 406 (1942), *U.S. v. Ideal Cement Co.*, Civil No. 415 (1942), *U.S. v. Nat'l Alfalfa Dehydrating and Milling Co.*, Civil No. 6111 (1963), *U.S. v. El Paso Natural Gas Co.*, Civil No. C-2626 (1971), *U.S. v. Metro Denver Concrete Ass'n*, Civil No. C-2478 (1972).

The United States gave the public notice and the opportunity to comment on its intent to seek termination of the judgment in the above-captioned case; it received no comments. For these and other reasons explained in the accompanying memorandum, the United States requests that this judgment be terminated.

Respectfully submitted,

Dated: May 23, 2019

/s/

Ethan D. Stevenson
Trial Attorney
United States Department of Justice
Antitrust Division
Media, Entertainment and Professional
Services Section
450 5th St., NW
Suite 4000 South
Washington, DC 20001
Phone: (202) 598-8091
Facsimile: (202) 514-7308
Email: ethan.stevenson@usdoj.gov